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June 16, 2022

VIA ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 618
New York, NY 10007

MEMO ENDORSED

Re: *Sanmina Corporation v. Dialight plc*, No. 19-cv-11710
Dialight plc v. Sanmina Corporation, No. 19-cv-11712

Dear Judge Failla:

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, we write on behalf of our client, Dialight plc ("Dialight"), in connection with Dialight's Motion in Opposition to Sanmina Corporation's Partial Motion for Summary Judgment ("Opposition Motion"). In support of the Opposition Motion, Dialight respectfully requests that the Court grant Dialight's letter motion to file the below enumerated documents under seal. The documents are designated "Confidential" by either Dialight or Sanmina pursuant to the Court's Confidentiality Stipulation and Protective Order ("Protective Order"). (Dkt. 38).

In support of this request, Dialight states that pursuant to Paragraph 10 of the Protective Order, documents designated as "Confidential" cannot be filed in the public record without consent from the designating party. In accordance with the Protective Order, Sanmina and Dialight met and conferred, resulting in the withdrawal of the "Confidential" designation from numerous documents. However, certain of the parties' documents still necessitate the "Confidential" designation.

The Court already determined that certain documents warrant filing under seal. (Dkt. 29; 93). These documents include Exhibit 21 (Deposition Exhibit 24, the parties' executed Manufacturing Services Agreement) and previous drafts of the same (Exhibits 10, 13, 19, 22) as well as the following exhibits: 9, 15, 49, 132. The MSA and previous iterations contain sensitive business information for both Dialight and Sanmina, which necessitates that they be filed under seal.

In addition, Dialight respectfully requests that it be allowed to file the following documents in support of its Opposition Motion, which similarly contain sensitive and confidential business information, under seal:

- Exhibit 7 to the Declaration of Scott A. Rader, bates stamped DIA00377725.

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- Exhibit 38 to the Declaration of Scott A. Rader, Expert Report of Robert G. Freid.
- Exhibit 45 to the Declaration of Scott A. Rader, bates stamped DIA00303936.
- Exhibit 46 to the Declaration of Scott A. Rader, bates stamped SAN0337305.
- Exhibit 103 to the Declaration of Scott A. Rader, Expert Report of Andrew K.G. Hildreth.
- Exhibit 115 to the Declaration of Scott A. Rader, bates stamped DIA00377595.
- Exhibit 117 to the Declaration of Scott A. Rader, bates stamped DIA00377614.
- Exhibit 118 to the Declaration of Scott A. Rader, bates stamped DIA00377633.
- Exhibit 119 to the Declaration of Scott A. Rader, bates stamped DIA00377634.
- Exhibit 214 to the Declaration of Scott A. Rader, Dialight Epidemic Defect Notice dated October 4, 2019.

In addition, we're requesting that the following documents be filed under seal because Sanmina has designated them as Confidential and maintained the designations following meet and confer communications. Dialight is reserving the right to challenge these designations. The documents Sanmina requested filed under seal are:

- Exhibit 24 to the Declaration of Scott A. Rader, bates stamped SAN0742680.
- Exhibit 28 to the Declaration of Scott A. Rader, bates stamped SAN0440794.
- Exhibit 29 to the Declaration of Scott A. Rader, bates stamped SAN0542498.
- Exhibit 31 to the Declaration of Scott A. Rader, bates stamped SAN0086582.
- Exhibit 32 to the Declaration of Scott A. Rader, bates stamped SAN0597294.
- Exhibit 33 to the Declaration of Scott A. Rader, bates stamped SAN0676578.
- Exhibit 34 to the Declaration of Scott A. Rader, bates stamped DIA00237087.
- Exhibit 35 to the Declaration of Scott A. Rader, bates stamped DIA00342926.
- Exhibit 36 to the Declaration of Scott A. Rader, bates stamped SAN0508373.
- Exhibit 56 to the Declaration of Scott A. Rader, bates stamped SAN0593499.
- Exhibit 58 to the Declaration of Scott A. Rader, bates stamped SAN0539394.
- Exhibit 59 to the Declaration of Scott A. Rader, bates stamped SAN0403157.
- Exhibit 60 to the Declaration of Scott A. Rader, bates stamped SAN0520804.
- Exhibit 61 to the Declaration of Scott A. Rader, bates stamped SAN0281846.
- Exhibit 62 to the Declaration of Scott A. Rader, bates stamped SAN0281673.
- Exhibit 63 to the Declaration of Scott A. Rader, bates stamped SAN0278217.
- Exhibit 65 to the Declaration of Scott A. Rader, bates stamped SAN0270006.
- Exhibit 66 to the Declaration of Scott A. Rader, bates stamped SAN0403136.
- Exhibit 69 to the Declaration of Scott A. Rader, bates stamped SAN0598495.
- Exhibit 71 to the Declaration of Scott A. Rader, bates stamped SAN0598495.
- Exhibit 73 to the Declaration of Scott A. Rader, bates stamped SAN0510737.
- Exhibit 75 to the Declaration of Scott A. Rader, bates stamped SAN0403678.
- Exhibit 83 to the Declaration of Scott A. Rader, bates stamped SAN0518478.
- Exhibit 88 to the Declaration of Scott A. Rader, bates stamped SAN0519311.
- Exhibit 89 to the Declaration of Scott A. Rader, bates stamped SAN0318977.
- Exhibit 92 to the Declaration of Scott A. Rader, bates stamped SAN0530677.

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- Exhibit 94 to the Declaration of Scott A. Rader, bates stamped SAN0510452.
- Exhibit 123 to the Declaration of Scott A. Rader, bates stamped SAN0432949.
- Exhibit 127 to the Declaration of Scott A. Rader, bates stamped SAN0538959.
- Exhibit 134 to the Declaration of Scott A. Rader, bates stamped SAN0532660.
- Exhibit 196 to the Declaration of Scott A. Rader, bates stamped SAN0520701.
- Exhibit 200 to the Declaration of Scott A. Rader, bates stamped SAN0516995.
- Exhibit 202 to the Declaration of Scott A. Rader, bates stamped SAN0730930.
- Exhibit 206 to the Declaration of Scott A. Rader, bates stamped SAN0319115.
- Exhibit 207 to the Declaration of Scott A. Rader, bates stamped SAN0329566.
- Exhibit 225 to the Declaration of Scott A. Rader, bates stamped SAN0507888.

Finally, consistent with the parties' agreement pursuant to its meet and confer as well as the protection afforded to these documents and the information contained therein, Dialight further requests leave to file its Opposition Motion and Dialight plc's Responses to Sanmina Corporation's Statement of Material Facts and Statement of Additional Material Facts Precluding Sanmina's Motion for Partial Summary Judgment ("Dialight's Reply to Statement of Facts") in a redacted form to protect under seal any quotations from the exhibits Dialight and Sanmina have requested to file under seal. In accordance with the request in this letter motion and Your Honor's Individual Rules of Practice in Civil Cases, Dialight is filing redacted versions of the Opposition Motion and Dialight's Reply to Statement of Facts on the public docket in and filed them in unredacted form under seal.

The parties met and conferred prior to Dialight's filing of this letter motion, thus Dialight does not expect any objection to this request. Dialight respectfully requests that this letter motion to seal be granted.

Respectfully yours,

/s/ Scott A. Rader

Scott A. Rader

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain the exhibits and other documents described above under seal, viewable only by the parties and Court.

The Clerk of Court is further directed to terminate the motions at docket entry 91 on docket 19 Civ. 11710 (KPF) and docket entry 74 on docket 19 Civ. 11712 (KPF).

Dated: June 17, 2022
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE